

AMENDED 5/18/06
MINUTES HAMPTON ZONING BOARD OF ADJUSTMENT
THURSDAY, February 16, 2006

MEMBERS PRESENT: Robert V. Lessard, Chairman
Tom McGuirk
Jennifer Truesdale
Jack Lessard (sitting in for Matt Shaw)
Bill O'Brien

OTHERS PRESENT: Shirley Doheny, Recording Secretary

09-06 The petition of Earl & Carol Cheney for property located at 17R Johnson Avenue seeking relief from Articles 1.3 and 4.5.2 to allow a 4'x8' deck to be attached to the front of the existing cottage. This property is located at Map 289, Lot 44 in a RB zone.

Earl and Carol Cheney came forward. They went through the criteria as submitted on the petition. The Board agreed to change from 4.2 to 2.7 in hardship B. The Cheney's would like to put a 4x8 foot deck on the front.

Questions from the Board

Bill O'Brien asked if they were presently single units and how many cars they get in the driveway. Mrs. Cheney stated they are single units and that they are able to park two cars in the driveway. Mr. O'Brien asked how far the sliding glass door is from the right-hand side of the house. Mr. O'Brien asked if they would be willing to move it in to 4 feet therefore at least meeting the BS seasonal zones even though they are in RB areas. They spoke with Kevin Schultz who advised they should move the deck the way they planned. Tom asked if they needed to go before the Planning Board. They would not.

Comments from the audience

Michael Baker of 11R Johnson Ave. came forward. He first asked what the height from the ground would be. It will be 26 inches from the ground. He expressed concern that they will be losing privacy. These are rental properties. Tenants will be on the deck at any time smoking and talking. He believes the deck should be shortened down so it won't be as close to his lot line. He thinks something better could have been done by putting it on the left side. He submitted pictures to the Board to show his concerns. Jennifer asked how far his deck is from the lot line. He advised it is 3.2 feet from lot line. Mr. Baker stated work was being done for almost ten days without a permit. He had to make a formal complaint. The Baker's then went and applied for the permit. The slider was installed without a permit. Mr. Baker stated that Mr. Charette told him that they would have to get a change of use for an egress permit for sliding door. Vic advised they would have to go the Planning Board. Vic asked the Board if this should be postponed.

Bill O'Brien motioned to postpone to next meeting, Jack Lessard seconded.

Jean Baker stated her issue is also their privacy. She wishes the proper procedure was followed. Vic Lessard asked if they would try to talk to their neighbors before the next meeting. Mrs. Baker agreed but stated she would like a mediator.

Vote: 5-0

Motion to Postpone Granted

11-06 The petition of Steven McGuire, Trustee, through Thomas Broderick, for property located at 2-4-6 Keefe Avenue seeking relief from Articles 1.6 (definition of "parking space"), 4.1.1, 4.5.1, 4.5.2, 4.5.3, 8.2.1, 8.2.2, 8.2.3, 8.2.4, 8.2.5 and 8.2.6 to replace the existing five (5) units with four (4) townhouse condominium units and providing two 8'-7 1/2' wide off-street parking spaces for each unit where there are now only two conforming spaces. This property is located at Map 290, Lot 72 in a RB zone.

Mr. O'Brien confirmed that the parking spaces were 8 feet 7 1/2 inches wide.

Peter Saari came forward with Tom Broderick. One problem is parking. The parking spaces are narrower than the 9 feet required by the ordinance. They will have to go to the Planning Board. The building is conforming as far as height. The zoning line zigs and zags along Ashworth Ave. There is no rhyme or reason based on the distance from Ashworth Ave what the zoning might be. They are not looking for any variances that do not already exist. One advantage is that it does provide off street parking. It decreases the number of units. He went through the criteria as presented in the petition.

Questions from the Board

Bill O'Brien asked about the front setback. The front setback is 4.4 feet. On the rear they are 2.8 feet from the lot line. Mr. O'Brien stated that they don't meet any of the RB setbacks. The side setbacks are less than 4 feet. He asked if they are driving straight into the garage; since it is a level lot why it slopes up 5 feet to the rear; and why they exceed 35 feet in height. Mr. Saari stated that the architect was wrong and that they will meet the 35 foot height restriction. Mr. O'Brien asked how many levels they are showing. Mr. Saari indicated four. Mr. O'Brien stated that only three are allowed in an RB zone.

Back to Board

Bill O'Brien motioned to deny the petition based on the grounds that none of the setbacks are met the height is more than 35 feet; and there are four levels where only three are allowed. He believes it is over intensification of the lot. Jack Lessard seconded. Vic Lessard would like to have more discussion if possible. Mr. McGuirk agrees with Mr. O'Brien but thinks they should have more discussion. Mr. Saari stated that the question is what the fourth story is. Mr. O'Brien stated he wanted to check the floor plans to see if the fourth floor is a living level. It looks like it is because there is a deck. It has four floors; the fourth floor is a loft. Mr. O'Brien temporarily withdrew his motion. Motion seconded by Jack Lessard.

Comments from the audience

Dick Bateman came forward. He sat on the Board years ago. He asked about parking spaces and wonders if we are going forward or backward. He wonders about where the water will be going. He sees a lot of problems.

Paula McGuire stated that when the engineer did the plans he made sure the peak of the roof was only 35 feet. Vic Lessard stated that he can't do it by filling.

Bob Martel and his wife Mary of 7 Manchester Street came forward. On a lot that is barely big enough for two units they want four. They are decreasing the number of units but the building will be almost three times larger. He believes they are upsizing. He disagrees that the current building is beyond the point of being rehabbed. If condos go in there will be no yard. The back deck stairs are 2.9 feet from his lot line and only 4 feet from the neighbors on the side. There is not 1600 square feet of recreation. This doesn't fit in their neighborhood. There is a problem with water run off. This would have an adverse affect on the value of their home. He doesn't believe there is a hardship. He asked the Board to deny the petition.

Ed Costello of 5A Manchester Street came forward. They had a lot with three little cottages and tore them down and built a duplex. They did not overbuild. He would like to see improvement but not four units. He is also concerned about the water. He thinks it is too big for the property.

Earl Raymond of 5B Manchester came forward. He is concerned with the rear elevation. He thinks it is too big a building for that amount of space.

Fred Cyr of 104 Ashworth Ave. came forward. He would like to see improvements. He is in favor of this project.

Mr. Costello came back and asked where the hardship is. He doesn't think making money is a hardship.

Mr. Broderick stated that when they developed these plans they looked at a couple of options. One of them was a 17-foot wide individual unit which would leave them with ten foot setbacks on each side. He wondered if they would be more acceptable. They would not build a building over 35 feet. If the loft area is a problem, that could be eliminated. Mr. Saari thinks it would be better to come back with a different set of plans. Vic Lessard asked if they could talk to the neighbors with the new plans.

Bill O'Brien would prefer voting on this petition as presented rather than have them withdraw. Mr. O'Brien motioned to deny. Jack Lessard seconded. The Board doesn't think they met the criteria.

Vote: 5-0

Petition Denied

14-06 The petition of Thomas Burness for property located at 31 Park Avenue seeking relief from Articles 2.3.7(C1), 4.2 (including Footnote 22) and 4.3 to subdivide a 40,934 square foot lot into two (2) lots, each having frontage on Park Avenue, one with an area of 18,169 square feet (upland area of 9,643 square feet) and frontage of 129.94 feet and the other having 22,765 square feet (upland area of 19,424 square feet) and frontage of 47.71 feet for the purpose of constructing only a single-family house on the rear lot. This property is located at Map 190, Lot 12 in a RA and G zone.

Peter Saari came forward with Tom Burness. They went back and provided an extension on the rear lot to provide frontage on Park Ave. They will need a special permit from the Planning Board.

Questions from the Board

Bill O'Brien asked about the width of the corridor. It is twenty feet. Normally he would be against this because the frontage is so small and because footnote 22 in not being met. However, there is more than enough frontage on Lafayette Road and the applicant has a hardship because he doesn't have access to it.

Comments from the audience

None

Back to Board

Vic polled the Board regarding the criteria. Peter Saari went through the criteria as presented in the petition. The Board agrees with the criteria. There is no other way to configure this lot.

Jack Lessard motioned to approve with the stipulation that 20 foot corridor be marked on the plan. Bill O'Brien seconded.

Vote: 4-0-1 (Jennifer Truesdale)

Petition Granted

Motion to adjourn at 8:40 p.m.